

SENATE BILL 3155

By Southerland

AN ACT to amend Tennessee Code Annotated, Title 50,
Chapter 6, Part 2, relative to workers
compensation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 50-6-206(a)(2), is amended by deleting subdivision (A) in its entirety and by substituting instead the following language:

(A) Except as provided in § 50-6-206(a)(2)(C), if a workers' compensation claim is settled by the parties, then the parties shall not agree to compromise and settle the issue of future medical benefits for a period of three (3) years from the date on which the settlement is approved. No settlement agreement shall be approved that contains any language inconsistent with this subdivision (a)(2). Except as provided in § 50-6-206(a)(2)(C), no employee who is determined to be permanently totally disabled shall be allowed to compromise and settle the employee's right to future medical benefits.

SECTION 2. Tennessee Code Annotated, Section 50-6-206(a)(2), is amended by deleting subdivision (C) in its entirety and by substituting instead the following language:

(C) Notwithstanding any other provision of this chapter or this subdivision (a)(2), in circumstances when the trial court or department of labor specialist approving the settlement finds on clear and convincing evidence that compensability is a contested issue and has been raised in good faith as a potentially valid defense by the employer, the disabled employee shall be allowed to relinquish the employee's right to future medical benefits. If the parties submit an order of settlement under this subdivision, then the parties shall cooperatively address any issues related to a Workers' Compensation Medicare Set-aside Arrangement (WCMSA).

SECTION 3. This act shall take effect July 1, 2008, the public welfare requiring it.

